



U.S. Department of Justice

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BY ECF

September 16, 2025

The Honorable Marcia M. Henry
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Morel v. United States*, 18-cv-5547 (DG) (MMH)

Dear Judge Henry:

This Office represents Defendant the United States of America and writes in accordance with the Court's September 9, 2025 order, which directed it to respond to the status letter filed by Plaintiff Miguel Morel, Administrator of the Estate of Maria Morel, on August 22, 2025 ("Plaintiff's Letter") (ECF No. 68). In Plaintiff's letter, Plaintiff asks that the Court and the parties "reconvene" on a date after October 21, 2025 with respect to a proposed stipulation of dismissal that this Office sent to Plaintiff's counsel on August 18, 2025. *Id.* Defendant respectfully submits that Plaintiff be given until November 20, 2025 to voluntarily dismiss this action or file a status report informing the Court and the Defendant why Plaintiff is unable to voluntarily dismiss the action so that the United States can determine its next steps in this litigation.

By way of background, this Federal Tort Claims Act case, in which Plaintiff alleges medical malpractice stemming from Maria Morel's care at a federally-funded community health center, has been stayed since January 15, 2020 pending resolution of a state court action in New York State Supreme Court, Kings County, *Maria Morel v. NYU Langone Hospital-Brooklyn, et al.*, Index No. 518060/2017 (the "State Court matter"). *See* January 15, 2020 order by Judge Bulsara; *see also* ECF No. 22 (parties' joint request for a stay (the "Stay Request")). The State Court matter stems from the same course of care and contains substantially the same allegations as this action. At the time the Stay Request was filed, Plaintiff's counsel reported that the State Court matter was in the latter stages of discovery and anticipated that, upon resolution of the State Court matter, Plaintiff would stipulate to dismiss this action with prejudice and without costs to any party. *See* ECF No. 22. However, during recent status conferences with the Court, Plaintiff's counsel has informed the Court and the Defendant that the State Court matter still is pending. *See, e.g.,* Court's July 1, 2025 minute entry. The Court and the parties also have discussed whether Plaintiff will voluntarily dismiss this action given the lack of progress in the State Court matter or whether the United States will need to move to dismiss for failure to prosecute this action. *Id.*

In Plaintiff's Letter, counsel for Plaintiff informed the Court that an order to show cause hearing is scheduled for October 21, 2025 in Surrogate's Court, King County, regarding a petition filed by Daniel Morel, who counsel for Plaintiff has represented is Miguel Morel's brother, to revoke Limited Letters of Administration granted to Miguel Morel and to issue Limited Letters of Administration to Daniel Morel. *See id.* Further, Plaintiff's counsel previously has represented that she plans to recommend that Plaintiff voluntarily dismiss this action without prejudice in light

of the continued and prolonged pendency of the State Court matter but needs to speak with Daniel Morel. *See, e.g.*, ECF No. 67 (July 17, 2025 status letter from Plaintiff's counsel). Given this representation and the upcoming October 21, 2025 hearing at the Surrogate's Court to resolve the issue of revoking Miguel Morel as administrator and appointing Daniel Morel as administrator in the Surrogate's Court, and in an effort to avoid unnecessary motion practice, the Government respectfully submits that Plaintiff be given 30 days after the hearing, or until November 20, 2025, to voluntarily dismiss this action or file a status report informing the Court and the Government why Plaintiff is unable to voluntarily dismiss the action so that the United States can determine its next steps in this litigation.

Respectfully submitted,

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cc: All Counsel of Record (by ECF and e-mail)